



PATENT  
Attorney Docket No. 101.0084-00000  
Customer No. 22882  
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S. Buyer  
9/30/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gary K. Michelson, M.D.

Serial No.: 09/457,228

Filed: December 8, 1999

For: SPINAL IMPLANT SURFACE  
CONFIGURATION

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)  
) Group Art Unit: 3738  
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) Examiner: B. Snow  
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Sir:


**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the document listed on the attached PTO 1449. This Information Disclosure Statement is being filed concurrently with a Request for Continued Examination for the above-referenced application.

A copy of the listed document is attached.

Applicant respectfully requests that the Examiner consider the listed document and indicate that it was considered by making appropriate notations on the attached form.

Applicant brings to the Examiner's attention the following U.S. co-pending application of Applicant; the claims and drawings of which are attached hereto:

NOT FOR PUBLICATION			
Examiner Initial	Application Number	Filing Date	Publication/ Patent No.
	09/572,518	17MAY2000	N/A

Applicant respectfully requests that the Examiner consider the document listed above, indicate that it was considered by making appropriate notation in the appropriate column, and return a copy of this sheet to the Applicant.


This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "prior art." If the Examiner applies the document as prior art against any claims in the application and applicant determines that the cited document does not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,  
MARTIN & FERRARO, LLP

Date: 9-23-03

By:   
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